

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA,

v.

CHARLES ALSTON, M.D., *et al.*,

Defendants.

INDICTMENT NO.

1:19-CR-10041-JDB

REQUEST FOR JURY INSTRUCTIONS

COMES NOW, Defendant Charles Alston (“Defendant”), by and through undersigned counsel, and respectfully moves this Court to instruct the jury as to the following charges:

Pattern Instructions:

- 1.02 Juror’s Duties
- 1.03 Presumption of Innocence, Burden of Proof, Reasonable Doubt
- 1.04 Evidence Defined
- 1.05 Consideration of Evidence
- 1.07 Credibility of Witnesses
- 1.08 Number of Witnesses
- 1.09 Lawyers’ Objections
- 2.01C Separate Consideration – Multiple Defendants Charged with Same Crimes
- 2.02 Definition of a Crime
- 3.01A Conspiracy to Commit an Offense
- 3.02 Agreement
- 3.03 Defendant’s Connection to the Conspiracy
- 3.04 Overt Acts
- 3.11B Withdrawal as a Defense to Substantive Offenses Committed by Others
- 6.01 Defense Theory
- 14.02 Distribution of a Controlled Substance (21 U.S.C. § 841(a)(1))
- 14.05 Conspiracy to Violate the Drug Laws (21 U.S.C. § 846)
- 14.07A Unanimity Required: Determining Amount of Controlled Substance § 841

14.07B Unanimity Required: Determining Amount of Controlled Substance § 846

Non-Pattern Instructions:

Good Faith

Even if you find that the Defendant did prescribe controlled substances outside of ordinary professional medical practice and without a legitimate medical purpose, if he/she did so in a reasonable belief that he/she was acting within the scope of ordinary professional medical practice or for a legitimate medical purpose, then he/she did not do so knowingly or intentionally. *United States v. Godofsky*, 943 G.3d 1011, 1019-30 (6th Cir. 2019).

Wherefore, Defendant respectfully requests this Court to instruct the jury on the above-listed charges.

Respectfully submitted this 26th day of December 2019.

/s/ Manubir S. Arora
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing ***REQUEST FOR JURY INSTRUCTIONS*** upon all parties involved via the federal e-filing system.

This 26th day of December 2019.

/s/ Manubir S. Arora

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CERTIFICATE OF CONSULTATION

I hereby certify that on this day (12/26/19), opposing counsel was contacted via electronic mail and informed of Defendant's intention of filing the within and foregoing REQUEST FOR JURY INSTRUCTIONS, and on this day (12/26/19), counsel for the Government has not notified Defendant of its stance on the motion at hand. Notwithstanding, the Government has objected to all other motions by Defendant.

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